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The Sobering Truth

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Jesse White
Secretary of State

Driving Under the Influence (DUI)

It is illegal to operate a vehicle in Illinois with a blood-alcohol content (BAC) of .08 percent or greater. With additional evidence, a driver also can be convicted of DUI with a BAC in excess of .05. DUI also applies to driving under the influence of other drugs, including any legal or illegal substances that cause impairment, regardless of how they enter the body. A DUI is classified as a violent crime and is never expunged from a driver's record.

First conviction

- Class A Misdemeanor
- possible 0-12 months imprisonment
- 100 hours community service
- fines of up to \$2,500
- minimum 1-year driver's license revocation (2 years if under age 21)
- mandatory vehicle registration revocation
- If prior DUI-related suspension within 10 years, must have a Breath Alcohol Ignition Interlock Device (BAIID) installed as condition of driving relief.

Second conviction

- Class A Misdemeanor
- possible 0-12 months imprisonment
- mandatory 5 days in jail or 30 days community service
- fines of up to \$2,500
- mandatory vehicle registration revocation
- mandatory minimum 5-year driver's license revocation (driving relief available after 1 year of revocation and only with a BAIID installed)

Third conviction

- Class 4 Felony
- possible 1-3 years imprisonment or 30 days community service
- fines of up to \$25,000
- minimum 10-year driver's license revocation (driving relief available after 1 year of revocation and only with a BAIID installed)

Fourth or subsequent conviction

- Class 4 Felony
- possible 1-3 years imprisonment
- fines of up to \$25,000
- lifetime driver's license revocation (not eligible for driving relief)

Aggravated DUI

Includes a third or subsequent DUI, a DUI while driving a school bus with children, a DUI resulting in great bodily harm or death or a DUI violation after a previous conviction of reckless homicide or aggravated DUI involving a death.

- Class 4 Felony
- possible 1-3 years imprisonment
- If resulting in great bodily harm, possible 1-12 years imprisonment
- If resulting in death, Class 2 Felony, possible 3-14 years imprisonment (multiple deaths, possible 6-28 years imprisonment)

Contributing to DUI

Knowingly allowing a person to operate your vehicle under the influence of alcohol or other drugs.

- Class A Misdemeanor
- possible 0-12 months imprisonment

Driving While Suspended or Revoked

If a person's driver's license is suspended or revoked for DUI, leaving the scene of a personal injury or fatal crash, reckless homicide or Statutory Summary Suspension, he/she faces enhanced penalties if caught driving during the suspension/revocation period.

First conviction

- Class A Misdemeanor
- possible 0-12 months imprisonment
- mandatory minimum 10 consecutive days in jail or 30 days community service
- original suspension/revocation period extended

Second or subsequent conviction

- Class 4 Felony
- possible 1-3 years imprisonment
- mandatory minimum 30 days or up to a minimum of 180 days in jail (depending on number of offenses)
- original suspension/revocation period extended

Driver's License Suspension

A suspension is the temporary loss of driving privileges for a specific length of time. Suspended drivers must comply with all requirements and pay any fees to obtain reinstatement of driving privileges.

Driver's License Revocation

A revocation is the loss of driving privileges with no guarantee of reinstatement. An individual may apply for reinstatement at the end of the revocation period. An administrative hearing, remedial education, recent alcohol/drug assessment, substance abuse treatment and payment of applicable fees also are required. If approved, reinstatement requires retesting and fees for a new driver's license.

Driving Under the Extreme Influence of Alcohol

Drivers with a BAC of .16 – twice the illegal limit of .08 – or greater, are considered to be under the “extreme influence of alcohol” and face enhanced penalties.

First conviction

- Class A Misdemeanor
- possible 0-12 months imprisonment
- mandatory minimum 100 hours community service
- fines of up to \$2,500
- minimum 1-year driver’s license revocation
- if prior DUI-related suspension within 10 years, must have a BAID installed as condition of driving relief

Second conviction

- Class A Misdemeanor
- possible 0-12 months imprisonment
- mandatory minimum 7 days in jail if second offense within 5 years
- possible community service in addition to jail time
- fines of up to \$2,500
- minimum 5- year driver’s license revocation (driving relief available after 1 year of revocation and only with a BAID installed)

Third conviction

- Class 4 Felony
- possible 1-3 years imprisonment
- mandatory minimum 90 days in jail if third offense in 20 years
- not eligible for community service
- fines of up to \$25,000
- minimum 10-year driver’s license revocation (driving relief available after 1 year of revocation and only with a BAID installed)

Fourth or subsequent conviction

- Class 2 Felony
- possible 3-7 years imprisonment (not eligible for probation or conditional discharge)
- fines of up to \$25,000
- lifetime driver’s license revocation (not eligible for driving relief)

Statutory Summary Suspension	Offense	Los
	Failing chemical testing – first offense	
	Refusing to submit to chemical testing – first offense	
	Failing chemical testing – second and subsequent offense	
	Refusing to submit to chemical testing – second and subsequent offense	

DUI—Child Endangerment

DUI while transporting a child under age 16.

First conviction

- Class A Misdemeanor
- possible 0-12 months imprisonment
- mandatory 2 days in jail
- mandatory 5 days community service benefiting children, plus additional 100 hours standard community service
- fines of up to \$2,500
- minimum 1-year driver's license revocation
- if prior DUI-related suspension within 10 years, must have a BAID installed as condition of driving relief.

Second or subsequent conviction

- Class A Misdemeanor
- possible 0-12 months imprisonment
- mandatory minimum 17 days in jail if second offense within 5 years
- mandatory 10 days community service benefiting children, plus additional minimum 30 days standard community service
- fines of up to \$2,500
- minimum 5-year driver's license revocation (driving relief available after 1 year of revocation and only with a BAID installed)

Third conviction

- Class 4 Felony
- possible 1-3 years imprisonment
- mandatory minimum 90 days in jail if third offense within 20 years (not eligible for community service)
- fines of up to \$25,000
- minimum 10-year driver's license revocation (driving relief available after 1 year of revocation and only with a BAID installed)

Fourth or subsequent conviction

- Class 2 Felony
- possible 3-7 years imprisonment (not eligible for probation or conditional discharge)
- fines of up to \$25,000
- lifetime driver's license revocation (not eligible for driving relief)

of Driving Privileges	Driving Permit
3 months	Eligible for Judicial Driving Permit (JDP) on 31st day of suspension
6 months	Eligible for JDP on 31st day of suspension
12 months	Eligible for JDP on 31st day of suspension
36 months	Not Eligible for Judicial or Restricted Driving Permit

Implied Consent

By driving on Illinois roadways, a driver agrees to submit to testing for alcohol or other drugs. Refusing to submit to testing results in a longer suspension of driving privileges than that received for test failure. A test refusal can be used as evidence in a DUI case.

Open Container

It is illegal to transport or possess an alcoholic beverage in the passenger area of a vehicle when it is not in its original package or when the seal has been opened or broken. All passengers can be charged and fined; however, only the driver will have the conviction on his/her driving record. Chartered buses not for school use, limousines, motor homes and mini-motor homes are exempt.

First conviction

- 1-year driver's license suspension (under age 21)

Second conviction within 1 year

- 1-year driver's license suspension (age 21 and over)
- driver's license revocation (under 21)

Reckless Homicide

A DUI crash resulting in death.

- Class 2 Felony
- possible 3-14 years imprisonment (multiple deaths 6-28 years), minimum 2 year driver's license revocation

Vehicle Impoundment/Seizure

A driver may have his/her vehicle impounded or seized if arrested for DUI or driving while suspended or revoked for a previous DUI. Local home rules in cities and counties may have unique provisions for vehicle impoundment and/or seizure.

DRIVE RESPONSIBLY

For more information or to schedule a presentation on
DUI and traffic safety laws, please contact:

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DESIGNATE A DRIVER

USE PUBLIC TRANSPORTATION

STAY OVERNIGHT